

# **CONSERVATION COMMISSION**

## **MINUTES (Approved 8/13/08)**

**JULY 9, 2008**

Present: J. Wiley, Chairman  
A. Goetz, Vice Chairman  
B. Dyer, R. Turner, K. Phelps (7:30)

Absent: R. Jones

Also Present: L. Hershey, Conservation Agent  
P. Smith, Board Secretary

### **MEETING OPENED: 7:15**

**Conservation Agent report given to members**

### **CERTIFICATE OF COMPLIANCE**

**WEST ST., LOT 4A  
DEP 315-569**

**Mr. Goetz made the motion to approve and issue a Certificate of Compliance  
Ms. Dyer seconded the motion  
Vote: 3-0-0**

### **EXTENSIONS**

**18 INDUSTRIAL RD  
DEP# 315-850**

**Mr. Goetz made the motion to approve and issue a one-year extension for 18  
Industrial Rd.  
Ms. Dyer seconded the motion  
Vote: 3-0-0**

**HIGH OAKS IV SUBDIVISION  
DEP# 315-501**

**Mr. Goetz made the motion to approve and issue a one-year extension for High Oaks IV Subdivision**

**Ms. Dyer seconded the motion**

**Vote: 3-0-0**

**NEW FISHER LN.**

**DEP# 315-654**

**Mr. Goetz made the motion to approve and issue a one-year extension for New Fisher Ln.**

**Ms. Dyer seconded the motion**

**Vote: 3-0-0**

### **OTHER BUSINESS**

The Commission discussed approving the use of the Wetland Filing Fee account to supplement four (4) additional hours for either the Conservation Agent or Board Secretary should these hours be warranted for administrative and technical support.

**Ms. Dyer made the motion to approve four (4) additional hours for either the agent or secretary from the wetlands filing fee account**

**Mr. Goetz seconded the motion**

**Vote: 3-0-0**

### **CONT. PUBLIC HEARING**

#### **NOTICE OF INTENT**

**NEPONSET ST. #100**

**DEP# 315-924**

**OPENED: 7:35**

Mr. Wiley read the advertisement from the Walpole Times for the Cont. Public Hearing for 100 Neponset St.

Mr. Wiley stated that Town Counsel has advised that although the issue of what constitutes a quorum is subject to interpretation, it is their recommendations that active members sitting on the board would suffice as a quorum under the Wetland Protection Act regulations. Mr. Wiley recommended postponing this Public Hearing until Ms. Phelps arrives this evening so action may be made under the Bylaw.

Mr. Wiley stated that Town Council recommended amending the Bylaw regulations and the Bylaw to reflect the State regulations on quorum.

**Mr. Goetz made the motion to continue the Public Hearing until later this evening**

**Ms. Dyer seconded the motion**

**Vote: 3-0-0**

## **PUBLIC HEARING**

**HIGHLAND LAKE DR. #10  
NOTICE OF INTENT  
DEP# 315-927**

**OPENED: 7:40**

Mr. Wiley read the advertisement from the Walpole Times and green cards were collected.

Mr. Wiley read board comments

Mr. Eric Bazzett, Andrews Engineering, presented plans to the Commission to repair a failed septic system. He stated that erosion controls would be placed between the proposed work and edge of wetlands for protection

Ms. Hershey stated she has no concerns with this proposed project. She stated erosion controls should be maintained including silt fence until the area is stabilized Ms. Hershey asked if the driveway would be used for access. Mr. Bazzett stated it would be.

Ms. Phelps asked where the leaching beds were located

Mr. Wiley asked if there were questions or comments from the audience

**Mr. Goetz made the motion to close the Public Hearing  
Ms. Phelps seconded the motion  
Vote: 4-0-0  
Closed: 7:50**

The Commission discussed special conditions. Any storage of materials needs to be protected by haybales. The board stated at least four (4) no-alteration bounds with plaques shall be placed as directed by the agent

**Mr. Goetz made the motion to close the Public Hearing  
Ms. Phelps seconded the motion  
Vote: 4-0-0**

**CONT. PUBLIC HEARING  
NOTICE OF INTENT  
100 NEPONSET ST  
REOPENED: 7:52**

Mr. Wiley re-read the advertisement from the Walpole Times. This hearing is being continued from earlier in the evening because a board member had not arrived.

Mr. Dean Bramner, Weston Solutions and Stacey Minihane, Beals and Thomas were present representing the applicant for this continued Public Hearing

Mr. Wiley read an email into the record that was received by the Sewer and Water Dept. from Weston Solutions. They have no further comments since the last Public Hearing

Ms. Minihane of Beals and Thomas gave a brief update on the continued hearing for 100 Neponset St. This hearing was opened in April, a site visit was held for the Commission, the hearing was continued until May 14<sup>th</sup> but the applicants requested to continue it once more, as Mr. Goetz was not present at the time.

Ms. Hershey requested the applicants go through the main points again for the Commission and the audience. Why the pervious cap instead of impervious, why it is necessary to go into no alteration area.

Ms. Beals discussed the preference for a pervious cap vs. impervious. She explained that pervious meets all the requirements under the Mass Contingency Plan and has no significant risk. Both her and Mr. Bramner feel this is the way to go. Ms. Beals also discussed reasons why they do not want fencing put in. She stated the area would be open for access for wildlife. She discussed vegetation being planted along the railroad and perimeter. Part of the maintenance plan is to monitor the Cap. Ms. Beals spoke about two areas where fill needs to go into the no-alteration area for grading purposes.

Ms. Hershey asked about monitoring wells

Mr. Bramner stated the intent is to repair the damaged wells for groundwater monitoring and the proposal for adding 4 additional wells

Mr. Turner stated his concern of what is buried on the site and the long-term effect.

Mr. Bramner stated remedial work has been done since 2004 and the site has been cleaned up quite a bit

Ms. Dyer feels a fence is necessary to keep out trespassers and off road vehicles because it isn't monitored enough

Ms. Beals stated plantings such as rosebushes along the perimeter could be a deterrent along with dense vegetation

Ms. Phelps asked about the O&M plan and that it be in perpetuity. She also discussed the Activity Use Limitation (AUL)

Mr. Goetz spoke about the damage of rodent holes. He also discussed off-road vehicles and the damage it can have. He stated he would be in favor of an 8 ft. chain link fence

being constructed for that reason. Mr. Goetz is not comfortable with the plan as is. Mr. Goetz also discussed who would take responsibility for maintenance, mowing etc.

Mr. Bramner stated it would be part of the deed and the owner's responsibility.

Mr. Wiley asked for more information about the monitoring wells

Mr. Bramner stated they want to keep all the monitoring wells even if they are destroyed during construction they will be replaced.

Mr. Wiley stated the existing wells should be kept and maintained in the same locations to keep a continuous viewing of what is going on. He also stated reports show data that indicates there is no contamination (GW1) and drinking water standards are met.

Ms. Hershey asked if the MCP requires monitoring

Mr. Bramner stated it is because of the AUL

Mr. Wiley asked if there were comments from the audience.

Mr. John Murtagh, Nottingham way discussed the proximity to the aquifer and his concerns.

Mr. Turner stated he agrees with Mr. Murtagh

Ms. Deborah Burke, precinct 5, stated results of reports that over 10,000 tons of contaminated soil was removed within the last 6 mos. Her hope is that the board insists on cleaning instead of capping. She stated the importance of insuring the primary recharge area is clean.

Ms. Nancy Doyle, Eldor Dr. stated she agrees with Ms. Burke. She has concerns over who will monitor the property once it is sold.

Ms. Doris Foley asked if the Board of Health was involved

Ms. Hershey stated the Conservation Commission's jurisdiction is only wetland issues as specified under the Wetland Protection Act and the local Bylaw. As long as the Applicant is in compliance with the Massachusetts Contingency Plan that regulation hazardous waste clean up than the Commission must approve the plan.

**Mr. Goetz made the motion to close the Public Hearing**

**Ms. Phelps seconded the motion**

**Vote: 4-0-0**

**Closed: 8:50**

The Commission discussed special conditions

An O& M plan needs to be submitted for review and approval. Monitoring of groundwater sites need to be continued with written reports for the 6 existing wells and 4 proposed. A copy of the AUL shall be provided. A vegetation plan showing location, species and amount of dense shrubbery shall be submitted for approval. Asphalt shall not be used for fill or cap and shall be removed from site. Silt fence and orange construction erosion controls shall be in place during work. Stormwater prevention plan needs to be submitted and reviewed. A report from wetland botanist shall be submitted documenting species coverage shall be submitted.

**Mr. Goetz made the motion to approve and issue an Order of Conditions**

**Ms. Phelps seconded the motion**

**Vote: 4-0-0**

## **PUBLIC HEARING**

### **REQUEST FOR DETERMINATION**

#### **BUBBLING BROOK #12**

**Opened: 9:00**

Mr. Wiley read the advertisement from the Walpole Times  
Green cards were collected

Mr. Wiley read Town Engineer comment

Mr. John Glossa, Glossa Engineering was present with applicant Mr. Rafferty. Plans were presented to the Commission for the removal of an existing porch and the construction of an addition to include a kitchen and family room. The area between the wetlands and the work is all lawn. Mr. Glossa states he is requesting a negative determination

Ms. Hershey stated she agrees it is a negative condition as long as erosion controls are in place. Fill that is excavated needs to be removed

**Mr. Goetz made the motion to close the Public hearing**

**Ms. Phelps seconded the motion**

**Vote: 4-0-0**

**Closed: 9:10**

The Commission discussed special conditions including the removal of excavated materials, and erosion controls shall be in place.

**Mr. Goetz made the motion to approve and issue a Negative 3 determination**

**Ms. Phelps seconded the motion**

**Vote: 4-0-0**

## **OTHER BUSINESS**

## **FRONTIER DR. REQUEST FOR MODIFICATION**

Ms. Hershey stated that at an informal discussion held at the Conservation Commission meeting on April 23, 2008. The Commission discussed that either an Amendment be requested or the applicant should file a new Notice of Intent, although a vote was never taken. The Applicant sent a formal request for a minor modification to the Order of Conditions.

Ms. Phelps stated that the Applicant should follow the DEP's policy procedures for requesting an Amendment.

**Mr. Goetz made the motion to deny the applicants request for a Modification to the approved Order of Conditions.**

**Ms. Phelps seconded the motion**

**Vote: 4-0-0**

## **CONEY ST. #333**

### **AMENDMENT**

**DEP# 315-871**

The Commission discussed the request for a change to special condition #32 of the Order of conditions and denied the request to allow the use of sodium chloride. The Commission has prohibited the use of rock salt within areas of their jurisdiction for some time. The Commission will make an administrative correction to special condition #32 to read that no sodium based de-icing materials shall be used on the driveway.

**Mr. Goetz made the motion to deny the request for an Amendment**

**Ms. Phelps seconded the motion**

**Vote: 4-0-0**

## **MINUTES**

**JUNE 11, 2008**

**Ms. Phelps made the motion to accept the Minutes of June 11, 2008**

**Ms. Dyer seconded the motion**

**Vote: 4-0-0**

Ms. Phelps left the meeting at 9:20 p.m.

## **CORRESPONDENCE**

The following correspondence was discussed and available for the Commissions review

- HV letter – 112 Washington St
- Planning Board – Commerford Corner

- Board of Selectmen – reorganization
- Shaw Environmental – MCP
- Letter – 43 Campbell St

**Mr. Goetz made the motion to adjourn**

**Ms. Dyer seconded the motion**

**Vote: 3-0-0**

**Meeting Closed: 10:00**